

and several counties in six other states), but not in 1982 or 2006. Specifically, the Court stated:

“Coverage today is based on decades-old data and eradicated practices. The formula captures States by reference to literacy tests and low voter registration and turnout in the 1960s and early 1970s. But such tests have been banned nationwide for over 40 years. And voter registration and turnout numbers in the covered States have risen dramatically in the years since.”

The Court did not believe that the record Congress amassed in 2006 establishing vote dilution and other discriminatory practices was tied to text of a coverage formula based on turnout, registration rates, and tests from the 1960s and 1970s.

The Court explicitly limited its holding to the 4(b) coverage formula based on election data from the 1960s and 70s, and stated that “Congress may draft another formula based on current conditions.” While the Court observed that states generally regulate state and local elections and that federal preclearance is “extraordinary,” the Court did not find the Section 5 preclearance process unconstitutional. Instead, it explicitly recognized that “voting discrimination still exists,” that “any racial discrimination in voting is too much,” and that Congress has the power to enforce the Fifteenth Amendment to prevent voting discrimination.

B. 2014 and 2015 Congressional Efforts To Update the Voting Rights Act

Since Shelby County, legislation has been submitted to update the Voting Rights Act—the Voting Rights Amendment Act of 2014 and the Voting Rights Advancement Act of 2015. Both bills: 1) tie preclearance to recent instances of discrimination; 2) allow judges to order “bail in” preclearance coverage as a remedy for a voting rights violation even in the absence of intentional discrimination; 3) attempt to deter bad activity by requiring that jurisdictions nationwide provide notice of certain election changes; and 4) make it easier for plaintiffs to obtain a preliminary injunction to block potentially discriminatory election rules before they are used in an election and harm voters.

There are, however, significant differences. Generally, the 2014 Amendment Act basis preclearance coverage on jurisdictions with significant voting rights violations over the prior 15 years, while the 2015 Amendment Act focuses on violations over the prior 25 years. Thus, while the 2014 Amendment Act subjected only Georgia, Louisiana, Mississippi, and Texas to preclearance when introduced, the 2015 Advancement Act applied preclearance to those states plus Alabama, Arkansas, Arizona, California, Florida, New York, North Carolina, South Carolina, and Virginia. The 2014 Amendment Act exempts voter identification from violations that justify the expansion of preclearance, whereas the 2015 Advancement Act provides no such voter identification exemptions.

The 2015 Advancement Act also contains provisions that do not appear in the 2014 Amendment Act. For example, the 2015 Advancement Act requires preclearance nationwide for “known practices” historically used to discriminate against voters of color, such as: 1) voter qualifications that make it more difficult to register or vote (e.g., ID or proof of citizenship documentation); 2) redistricting, annexations, polling place changes, and other changes to methods of elections (e.g., moving to at-large elections) in areas that are racially, ethnically, or linguistically diverse; and 3) reductions in language assistance. The 2015 Advancement Act also includes Native American and Alaska Native voting protections that ensure ballot translation, registration opportunities on and off

Indian reservations, and annual consultation with the Department of Justice.

II. The Need To Update the Voting Rights Act

A. Litigation Inadequate Substitute for Loss of Preclearance

While the holding in Shelby County was limited to invalidating the coverage formula, the decision has a significant impact. It effectively suspends Section 5 preclearance in all jurisdictions other than the handful currently subject to a Section 3(c) “bail in” court order.

Litigation Not Comprehensive: Preclearance was comprehensive—it deterred jurisdictions from adopting many unfair election rules because officials knew every decision would be reviewed. In contrast, litigation requires that plaintiffs have the information and resources to bring a claim, and therefore litigation misses a lot of under-the-radar manipulation.

Litigation More Expensive: Preclearance also put the burden to show a change was fair on jurisdictions—which enhanced efficiencies because jurisdictions generally have better access to information about the purpose and effect of their proposed election law changes. Litigation shifts the burden to affected citizens—who must employ experts and lawyers who fish for information during drawn-out discovery processes.

Significant Voting Discrimination Persists: Too many political operatives in previously covered jurisdictions continue to maintain power by unfairly manipulating voting rules based on how voters look or speak. Congress determined as much during the last reauthorization, and such discrimination has occurred since that time in various jurisdictions like Nueces County, Texas. While the Court in Shelby County invalidated the coverage formula because it was based on data from the 1960s and 1970s, the Court acknowledged that “voting discrimination still exists” and that “any racial discrimination in voting is too much.”

B. Joint Center Report: 50 Years of the Voting Rights Act

In 2015, the Joint Center for Political and Economic Studies published 50 Years of the Voting Rights Act:

The State of Race in Politics. The 46-page report established that while the Voting Rights Act increased turnout by voters of color, citizen voting age population turnout rates among Latinos and Asian Americans trail African-American turnout by 10–15 percentage points and white turnout by 15–20 points. The report also found that racially polarized voting persists, and in some contexts is growing. Race is the most significant factor in urban local elections, and more decisive than income, education, religion, sexual orientation, age, gender, and political ideology. The 38 point racial gap exceeds even the 33 point gap between Democratic and Republican voters.

III. Conclusion

In the last 51 years the United States has made significant progress on voting rights. Unfortunately, after Shelby County v. Holder political operatives have more opportunity to unfairly manipulate election rules based on race. The Court in Shelby County stated that the purpose of the Fifteenth Amendment is “to ensure a better future,” but the future will be worse if Congress fails to act.

Fortunately, Congress has the power to prevent discrimination and update the Voting Rights Act. An updated Voting Rights Act will help not just voters of color, but our nation as a whole. Protecting voting rights provides legitimacy to our nation’s efforts to promote democracy and prevent corruption

around the world. We all agree that racial discrimination in voting is wrong, and Congress should update the Voting Rights Act to ensure voting is free, fair, and accessible for all Americans.

RECOGNIZING COMMAND SERGEANT MAJOR LANCE LEHR

HON. BETO O’ROURKE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2016

Mr. O’ROURKE. Mr. Speaker, I rise today to recognize and congratulate Command Sergeant Major Lance Lehr on his retirement from the United States Army after 30 years of service to our country. An esteemed and respected member of the Armor and Cavalry community, Command Sergeant Major Lehr most recently served as the Command Sergeant Major of the 1st Armored Division and Fort Bliss. In this role, he served a community of over 30,000 active duty servicemembers and 47,000 family members. He also played an integral role in strengthening the relationship between Fort Bliss and the El Paso community.

Command Sergeant Major Lehr’s distinguished career includes assignments across the United States, Germany, and Bosnia-Herzegovina. He has served as a Scout driver, gunner, and Vehicle Commander; Scout Platoon Sergeant; Operations Sergeant; First Sergeant; and Operations Sergeant Major at the battalion and brigade level. He also had the extremely rare privilege of serving as a Command Sergeant Major for three different battalions; the 1st Brigade Combat Team of the 1st Cavalry Division; and the National Training Center and Fort Irwin. His deployments include Bosnia-Herzegovina, as part of Operation Joint Guard, and Iraq, as part of Operation Desert Shield and Desert Storm, Operation Iraqi Freedom, Operation New Dawn, and Operation Spartan Shield.

As Command Sergeant Major Lehr embarks on a new chapter in life, it is my hope that he may recall, with a deep sense of pride and accomplishment, the outstanding contributions he has made to the Fort Bliss and El Paso communities and to the United States Army. I would like to send him my best wishes for continued success in his future endeavors.

CELEBRATING THE 60TH ANNIVERSARY OF TEMPLE EMANU-EL OF WEST ESSEX

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2016

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Temple Emanu-El of West Essex, located in Livingston, Essex County, New Jersey as it celebrates its 60th Anniversary.

The Temple Emanu-El of West Essex was established in 1955 in response to growing demand for a Reform Jewish service within Livingston. Originally composed of eleven families, the congregation quickly expanded after the first year to include fifty-six families and has continued to grow throughout the years.

By 1962, the congregation completed work on the physical sanctuary, replacing an old hot-dog stand off of Northfield Road with the Temple Emanu-El of West Essex. The building is an architectural landmark within Livingston. The design reflects an artistic interpretation of the Israelites' Tent of Meeting in the desert wilderness.

Since its creation, the Temple Emanu-El of West Essex has been an active participant in both the local and global community. The congregation established the Social Action Committee in 1964, and with the pioneering efforts of Rabbi Peter Kasdan, often stood at the forefront of many social justice campaigns. Beginning with the Temple Emanu-El of West Essex, Rabbi Kasdan organized a nationwide Jewish Reform boycott of grapes in support of United Farm Workers. Other issues of focus included Soviet Jewry, Ethiopian Jewry, and Vietnamese Boat People. More recently, the organization has focused on reform rights in Israel, Darfur, LGBT rights, and raising awareness for Jewish genetic diseases.

The Temple Emanu-El of West Essex has expanded to include an Early Childhood Center, as well as a Holocaust Remembrance Center opened in 2004. Currently, Rabbi Greg Litcofsky leads the congregation. The Temple Emanu-El promotes inclusivity within the Jewish faith by welcoming not only Jews of all backgrounds, but also those of interfaith families and Jews-by-Choice. This community provides a strong support network for members, working to fulfill religious, cultural and social needs. From a religious school to a softball league, the Temple of Emanu-El of West Essex is more than just a religious institution, but a powerful, multi-faceted spiritual community within Livingston.

In 2007, the Union for Reform Jews Congregation recognized the Temple of Emanu-El with an Honorable Mention for the Learner's Award for Adult Education. Many individual members of the Temple have gone on to receive the Union for Reform Jew's Keva Award for at least one hundred hours of Jewish study.

Mr. Speaker, please join me in honoring and celebrating the Temple of Emanu-El of West Essex for its sixty years of serving as a community staple, paving the way on many social justice reform issues, and providing a religious and cultural sanctuary for its active members.

HONORING MRS. SARAH DAILEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2016

Mr. THOMPSON of Mississippi. Mr. Speaker, this month and all this month I rise to give honor to a member of my district whom most people don't know but need to know. So today, I rise to honor Mrs. Sarah Dailey of Charleston, Mississippi located in Tallahatchie County, Mississippi.

Humble and Challenging Beginnings: Sarah was born a couple of years before the Great Depression and has to her credit the skill of survival and the will to give and gain in all aspects of human life. Her mother passed away when she and her siblings were still too young to care for themselves, so all of them to some degree had to grow up sooner than expected.

Her oldest brother was the first to grow up fast by assisting their father by helping provide for the family. The family relocated from the Valley Road, which is south of the town of Charleston to North Creek Road. There Sarah would not only grow up but it became the place where she reared her own family.

"It takes a village to raise a family" was the code of the old days. Since the family was being led by Sarah's father and brother, the older women in the community took Sarah and her sisters under their wings, teaching them those things that women must know and do like managing the home, cleaning the house, protecting each other as mothers do and personal care as a woman.

She was very intelligent and therefore school work came easy. She excelled in all her subjects, with many awards, plaques, and certificates of recognition to support. Education was not a giving back during her day of growing up so when the opportunity came along it was treasured because it was seen as the way to a better future. By the time she was old enough to be on her own, her father remarried and moved to St. Louis, MO, taking her younger sibling with him. But Sarah and the older sibling stayed on in Charleston to chart their own future using what they had learned from those around them about adult responsibilities.

A Woman: Sarah met and married Mr. Walter Luther Dailey to become Mrs. Sarah Dailey. The couple made their home and raised their children on the family land, owned by her father and mother. Her motherly instincts and caring not only provided for her family but she became the caring provider for other family members. Mrs. Dailey, remembering her own personal feelings about growing up without her mother, put her personal goals on hold to be a mother to many.

Mrs. Dailey eventually went to work after her children began school. She worked for the Charleston Clinic in Charleston, MS where she remained employed for twenty years until an accident forced her to stop working. Mrs. Dailey also became active in the Civil Rights Movement in the 1960s. She was a quiet, but a strong woman who was steadfast on making a difference. She supported her children when the East Tallahatchie School District was integrated. It was during this same time that her children along with other children involved in the movement were bused off to Parchman where some of the children were kept for almost a month.

A historian by hobby and interest: Mrs. Dailey became the go to person when someone wanted to know something about civil rights activities in Tallahatchie County in the 1960s. She has been interviewed by people as far away as London, England and has traveled with college professors and authors as they gathered information for books they were publishing.

Mrs. Dailey continues to participate in community related activities and is always eager to support efforts that enhance Tallahatchie County, Mississippi. She is still an active member of the NAACP, having joined in the 1960s, nearly fifty years ago. Tallahatchie County and her children can be proud to be connected to this historian and unsung hero.

Mr. Speaker, I ask my colleagues to join me in honoring, Mrs. Sarah Dailey, of the Mississippi Second Congressional District.

TRIBUTE TO CLINT DUDLEY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Clint Dudley for being named a 2016 Forty Under 40 honoree by the award-winning central Iowa publication, Business Record.

Since 2000, Business Record has undertaken an exhaustive annual review to identify a standout group of young leaders in the Greater Des Moines Area that are making an impact in their communities and their careers. Each year, forty up-and-coming community and business leaders under 40 years of age are selected for this prestigious honor based on a combined criteria of community involvement and success in their chosen career field. The 2016 class of Forty Under 40 honorees will join an impressive roster of 640 business leaders and growing.

As Owner of Shade Tree Auto LLC and Snowtel Mowtel Inc. Clint has worked hard to make a positive impact on his community and become a successful small business owner. His work ethic, drive, and dedication to civic duty have made him a leader within his community. As a member of the Grimes Home Base Iowa Committee, Clint is dedicated to making Grimes a city where veterans can turn for employment and a place to build their families. He also hopes to start a program that teaches young people the values of skilled labor and how to pursue a career they can be proud of.

Mr. Speaker, it is a profound honor to represent leaders like Clint in the United States Congress and it is with great pride that I recognize and applaud him for utilizing his talents to better both his community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Clint on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing each member of the 2016 Forty Under 40 class a long and successful career.

HONORING THE SIERRA CLUB,
REDWOOD CHAPTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2016

Mr. THOMPSON of California. Mr. Speaker, I, along with Representative GARAMENDI and Representative HUFFMAN, rise to recognize and honor the Redwood Chapter of the Sierra Club for its great contribution to the designation of the Berryessa Snow Mountain Monument by President Barack Obama on July 10, 2015.

This outstanding accomplishment was made possible by the tireless work of countless advocates. Their commitment to engaging friends, colleagues, local residents, businesses, stakeholders across the country, and policymakers in a coordinated effort to achieve permanent protection was critical to the establishment of the Monument.

Now, the Berryessa Snow Mountain Monument may be counted among the hundreds of